

COMMENT LETTER

RESPONSES

09/11/2000 10:12

5206805430

LHC PD CTY ATTY

PAGE 01

**MOHAVE COUNTY WATER AUTHORITY
P.O. BOX 2419
BULLHEAD CITY, AZ 86430**

**FAX TRANSMITTAL LETTER
FAX NO. (520) 680-5430**

DATE: September 11, 2000
NO. OF PAGES: 3 (INCLUDING TRANSMITTAL LETTER)

TO: Jayne Harkins
Bureau of Reclamation
FAX NO: (702) 293-8042

FROM: Maureen George
DEPT: OFFICE OF THE CITY ATTORNEY
TELEPHONE: (520) 453-4144

URGENT

SUBJECT: Comments on Draft EIS – Colorado River Interim Surplus Criteria

COMMENTS/INSTRUCTIONS: To follow is a REVISED letter to that of the one faxed to you on Friday, September 8. Please replace page 2 of the September 8 letter with the REVISED page two attached hereto. Thank you for your assistance.

CAUTION PLEASE FORWARD DOCUMENTS TO ADDRESSEE IMMEDIATELY UPON RECEIPT. THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING OR UNAUTHORIZED USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

COMMENT LETTER

RESPONSES

09/11/2000 18:12

5205805430

LHC PD CTY ATTY

PAGE 02

**MOHAVE COUNTY WATER AUTHORITY
P.O. BOX 2419
BULLHEAD CITY, AZ 86430
(520) 754-2555
(520) 754-4622 (fax)**

September 11, 2000

VIA FACSIMILE AND U.S. MAIL
(702) 293-8042

Regional Director
Lower Colorado Region
Attn: Jayne Harkins (LC-4600)
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006-1470

RE: Comments on the Draft Environmental Impact Statement (EIS) regarding Colorado River Interim Surplus Criteria, Colorado River Basin

Set forth below are the comments of the Mohave County Water Authority on the Draft EIS dated July 7, 2000, in regard to proposed Colorado River interim surplus criteria.

1. The Draft EIS fails to address in any meaningful way the increase in the relative risk of shortage to Arizona users, particularly broken down by category of user. This is a glaring omission of key information necessary for water users in Arizona to make a determination as to the impact of the interim surplus criteria.
2. The report fails to address the unresolved issue of the relative priority among fourth priority users in Arizona. Again, a key factor necessary for those holders of fourth priority rights in Arizona to make a determination as to the impact of the interim surplus criteria.
3. The EIS does not address the impact on existing contractors for fifth and sixth priority water. The Decree provides that Arizona is entitled to 46% of the water available in the surplus year. Either we are or are not in a surplus condition and, if we are, then those holders of surplus contracts, up to 46% in Arizona, are entitled to take such water on the basis provided in the Decree.
4. The EIS fails to address the fact that Arizona's apportioned but "unused" water may only be available because the Arizona Water Bank, pursuant to these interim guidelines and agreements with other states would, to the detriment of Arizona water users, agree to forebear taking water that would otherwise be banked in favor of CAP and other fourth priority users.
5. The report fails to address in any detail the reasoning behind Arizona going to 2.3 in years of shortage versus California taking its full priority. A related issue is the provision that a consequence of not complying with the cut back in usage to 4.4 million a/f (although the numbers would appear to be 4.8 million a/f) MWD shall be reduced to a maximum of 200,000 a/f per year even though they may have diverted millions of acre feet.

1: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.

2: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.

3: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.

4: As stated in Chapter 2 of the FEIS, the Secretary will continue to apportion water consistent with the applicable provisions of the Decree. The Secretary will also honor forbearance arrangements made by various parties for the delivery of surplus water or reparations for future shortages.

5: As described in Section 3.3.3.4, the magnitude of the shortage to CAP was strictly a modeling assumption. The Colorado River Basin Project Act provided California with a 4.4 maf priority over CAP diversions.

COMMENT LETTER

RESPONSES

09/11/2008 10:12

5206805430

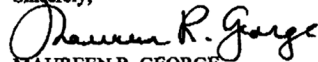
LHC PD CTY ATTY

PAGE 03

Comments on the Draft Environmental Impact Statement (EIS) regarding Colorado River Interim Surplus Criteria, Colorado River Basin
Page Two

- 6 The only acceptable reparation is wet water, available in the shortage year when needed, up to the amount that would have been available but for any water diverted by California as a result of these interim guidelines.
- 7 The proposed interim guidelines provide for no reparation to Arizona for continued use of water beyond its allocation when such water will only be "available" if Arizona either declines to take its apportionment in order to assist California or, in the alternative, declines to take the surplus to which it is entitled. We are concerned that either of these actions would be a detriment to water users in Arizona, particularly those outside the CAP.
- 8 The report fails to address in any detail the practical bottom line, i.e., water use is going to continue to increase astronomically at the rate California is growing. There is little or no probability that water use will actually decrease to the 4.4 number without significant enforceable sanctions which certainly are not present in the proposed interim guidelines.
- 9 The report seems to indicate while there may be an increase in demand on the Colorado River, for example in Mohave and Yuma counties, such demand is many years out. This is not true. The Arizona Water Bank's recent study indicated Lake Havasu City, for example, will run out of water prior to the proposed expiration of these interim surplus guidelines. The Draft EIS makes no effort whatsoever to address the concerns of fourth priority mainstream river users as opposed to those in CAP.
- 10 The report states the Bank's primary purpose is to firm CAP supplies. This is not true. It has an equal obligation to firm the supplies of river communities. Our concern is that obligation would not be met if these interim surplus criteria are adopted.
- 11 The Draft EIS fails to take into consideration the cumulative impact on Colorado River main stem users in Arizona of the proposed interim surplus criteria, the other provisions of California's 4.4 Plan, the policy of Reclamation regarding the use of effluent on the river and the proposed reallocation of the CAP project water supply in conjunction with settlements of CAP and Indian water rights disputes.
- 12 Absent more information on the relative priorities among fourth priority users in Arizona, and the relative increased risk of shortage over time to the various classes of users in Arizona, the Mohave County Water Authority must object to any but the no action alternative.

Sincerely,



MAUREEN R. GEORGE

Secretary-Treasurer

Mohave County Water Authority

c: Mohave County Water Authority Board of Directors
Lake Havasu City Mayor and City Council
Bruce Williams, City Manager

6: See response to Comment 56-32, regarding reparations.

7: See response to Comment 56-32, regarding reparations.

8: See response to Comment 33-3.

9: See response to Comment 53-16 for a discussion of depletion schedules.

10: Comment noted. The evaluation of Arizona's groundwater banking programs is outside the scope of this project.

11: No cumulative impacts have been identified for the issues raised in this comment. Note that potential effects on water users in Arizona are identified in Section 3.4 of the EIS.

12: We have modified the reference to reductions in times of shortage in the third paragraph on page 3.4-15, to recognize that in Arizona a reduction in the amount of Colorado River water available to fourth priority users would be shared pro rata among CAP and non-CAP entitlement holders.